

## REMARKS

In the official action dated April 23, 2004, the disclosure has been objected to because the continuing data on page 1 is not up to date regarding the status of parent applications. This portion of the specification has been updated to set forth current status of the related cases and to delete the word “co-pending” (in 3 instances) as requested by the Examiner. As amended, the specification is now submitted to obviate the basis for objection.

Several claims pending prior to this amendment have been rejected over Donaldson ‘068, Montanti ‘408 and Gamponia ‘824 patents while a majority of the pending claims (including 70, 71, 75-78, 80-107, 109, 117-119, 121-136, 153-166 and 115, 140, 142-143, 145-146, 150-151) has been either allowed by the Examiner or indicated to be allowable if rewritten in the independent form. Applicant does not agree with the Examiner’s rejections, however, in order to speed up the issuance of the allowed claims, Applicant herein cancels the rejected claims 67, 69, 74, 79, 110, 113, and 120 without any estoppel, disclaimer or prejudice to pursuing any of these claims or claims of similar scope in one or more of the future continuation applications.

Similarly, to speed up the issuance of the allowable claims, they were all rewritten in the independent form, as suggested by the Examiner. Specifically, independent claim 108 has been amended to include limitation of the allowable dependent claim 115 (and claim 115 has been cancelled – please note that typographical error in claim 115 was corrected in claim 137 by replacing “in contact with and along the **blood flow conduit**” with “in contact with and along the **blood vessel**”), independent claim 137 has been amended to include limitation of the allowable claim 145 (and claim 145 has been cancelled), allowable dependent claim 140 has been rewritten in the independent form to include limitations of claims 137 and 139, and allowable dependent claims 142 and 150 have been rewritten in the independent form to include limitations of claim

137. Please note that claim 142 was also amended to use terms consistent with the terms used in the base claim 137. The remaining rejected dependent claims 114, 138-139, 141, 144, 147-149 and 152 have not been amended since they depend from the rewritten allowable claims 108 and 137 and for this reason alone are also allowable. Finally, for consistency, claim 146 was amended to depend from claim 137 and claims 72-73 have been amended to depend from the allowed claim 70.

To summarize, every remaining pending claim in the present application is now in condition for allowance based on the Examiner's indications in the office action of April 23, 2004. Favorable action and expedient issuance of the pending claims is respectfully solicited.

The Examiner requested a list of all co-pending applications that set forth similar subject matter to the present claims. Without commenting on the scope and subject matter of the claims, Applicant responds that currently there are three co-pending applications within the same patent family: Serial Nos. 10/726,803; 10/731,068 and 10/824,043.

Respectfully submitted,  
THOMAS J. MAGINOT

Dated: \_\_\_\_\_

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By: \_\_\_\_\_

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